

Doc Code:

PTO/SB/28 (09-04)  
 Approved for use 07/31/2006. OMB 0651-0031  
 U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
 REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)  
 PG4114

In re Application of: **Karl Andrew GARRILL, et al.**

Application No.: **09/599,274**

Filed: **06/22/2000**

For: **METHOD AND PACKAGE FOR STORING A PRESSURIZED CONTAINER CONTAINING A DRUG**

The owner\*, **SmithKline Beecham Corp**, of **100** percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term prior patent No. **6,179,118** as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

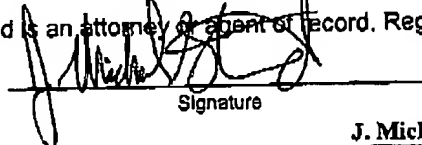
- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its fully statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. **47,115**

  
 Signature

**J. Michael Strickland**  
 Typed or printed name

**January 12, 2006**  
 Date

**(919) 483-9024**  
 Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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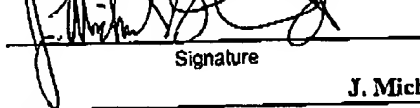
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 Signature

**J. Michael Strickland**  
 Typed or printed name

January 12, 2006  
 Date

(919) 483-9024  
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Doc PG4114USW

PTO/SB21 (09-04)  
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/599,274
	Filing Date	06/22/2000
	First Named Inventor	Karl Andrew GARRILL
	Art Unit	3728
	Examiner Name	JOHNSON, Jerrold D.
Total Number of Pages in This Submission	Attorney Docket Number	PG4114

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.63	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer (2) <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks The Commissioner is hereby authorized to charge any fees required or credit any overpayment to Deposit Account No. 07-1392.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	GlaxoSmithKline	
Signature		
Printed name	J. Michael Strickland	
Date	January 12, 2006	Reg. No. 47,115

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the		
Signature		
Typed or printed name	Johnnie Jones	Date January 12, 2006

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**FAX**

**To** Examiner Jerry Johnson  
**Company** USPTO  
**Fax** (571) 273-7141  
**From** J. Michael Strickland  
**Tel** (919) 483-9024; Facsimile: (919) 483-5730  
**E-mail** Mike.M.Strickland@gsk.com  
**Date** January 12, 2006 **Pages including cover** 4  
**Subject** Re: Application of GARRILL, et al.  
Serial No.: 09/599,274; Filed: 06/22/2000  
Attorney Docket No. PG4114

GlaxoSmithKline  
PO Box 13398  
Five Moore Drive  
Research Triangle Park  
North Carolina 27709

Tel: 919 483 2100  
www.gsk.com

As we discussed by phone January 12, 2006, please find attached:

1. Copy of Transmittal Form
2. Copy of Terminal Disclaimer for US Patent No. 6,179,118
3. Copy of Terminal Disclaimer for US Patent No. 6,119,853

**Certificate of Transmission by Facsimile (37 CFR 1.8)**

I hereby certify that this correspondence is being facsimile transmitted on January 12, 2006.

  
John Jones

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